



# CAFTA Facts

Office of the United States Trade Representative  
CAFTA Policy Brief – February 2005

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## ***Labor Laws in Central America and the Dominican Republic The International Labor Organization Report<sup>1</sup>***

*At the request of the Central American governments, the International Labor Organization (ILO) conducted a study of labor laws in Central America and the Dominican Republic. The reports show:*

- Central American nations have laws that give effect to the ILO core labor standards.
- The eight core conventions of the ILO have been ratified by all of the Central American countries (except El Salvador which ratified six) and the Dominican Republic. (The United States has ratified two of the core conventions).
- With the exception of Honduras, all of the countries carried out major revisions of their labor codes in the last decade, with technical assistance and advice from the ILO. In response to the ILO study, Honduras convened a high-level tripartite (labor, management, government) consultative group to recommend a re-write of its labor code.
- There are some gaps in legislation that the ILO recommends be addressed, such as prohibitions or limitations on public sector employees to bargain collectively in El Salvador and Costa Rica, the inability of two unions to coexist in a workplace in Honduras, and narrow criteria of employee discrimination in some countries.

### Quotations from the ILO reports:

#### **Collective bargaining and freedom of association:**

##### *Central America*

- “National legislation recognizes the right to voluntary collective bargaining.”
- “The right to strike is recognized under national legislation.”
- “The right to strike [in the private sector] is recognized under national legislation.”

##### *Dominican Republic*

- “The Constitution of the Republic states that joining a trade union is a matter of free choice.”
- “There is a prohibition on ‘labour practices that are unfair or contrary to the labour ethic’ that might obstruct, impede or restrict in any way the free exercise of freedom of association.”
- “The right to strike [in the private sector] is recognized under national law.”

#### **Discrimination:**

##### *Central America and the Dominican Republic*

- “The principle of equality and the prohibition against discrimination are enshrined in the constitutions of all the countries covered by this survey.”

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<sup>1</sup> All quotes taken from “Fundamental Principles and Rights at Work: A Labour Law Study”, Dominican Republic (2004) and Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua (2003), International Labor Organization.

**Compulsory Labor:***Central America and the Dominican Republic*

- “Constitutional law in these countries recognizes the right of any citizen to choose his or her work freely or obtain decent employment; also recognized therefore is the right of workers to terminate their contracts of employment at any time....”

**Child Labor:***Central America*

- “The constitutions of the five countries include special provisions concerning the employment of minors.”
- “In some cases [with respect to El Salvador, Honduras and Nicaragua], such employment is absolutely prohibited on the grounds of the need to safeguard a young person's normal physical, mental, and moral development, or to ensure that the young person complete a minimum education.”
- “In other cases [with respect to Costa Rica and Guatemala] there are provisions for special protection.”
- [With some exceptions, the] “minimum age for admission to employment is 14 or 15 years....”

*Dominican Republic*

- “An employer who employs minors is required to provide facilities that are ‘appropriate and consistent with the needs of the worker’ to allow him or her to keep up with school work and attend vocational training....”
- [With some exceptions, the] “minimum age for admission to employment is 14 years....”